

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

1:23-CR-14-MR-WCM

FILED
ASHEVILLE, NC
OCT 25 2023

U.S. DISTRICT COURT
W. DISTRICT OF N.C.

UNITED STATES OF AMERICA)
v.)
THOMAS DEWEY TAYLOR, JR.)

) INQUIRY AND ORDER
) OF ACCEPTANCE
) OF GUILTY PLEA
) (Unwritten Plea)

The Court is advised that you have decided to change your plea of not guilty to guilty. The Court is required by the Federal Rules of Criminal Procedure to inquire and advise you concerning your plea. The Court must ask you some questions and you will be required to personally respond to those questions under oath so I will now ask the Clerk to administer the oath to you.

1. Do you understand that you are now under oath and that you are required to give truthful answers to the questions I am about to ask you?

YES: ✓ NO: _____

2. Do you understand that if you give false information under oath you may be prosecuted for perjury or false statements?

YES: ✓ NO: _____

3. Are you able to hear and understand my questions?

YES: ✓ NO: _____

4. Do you understand that you have the right to have a United States District Judge conduct this proceeding?

YES: NO: _____

5. Recognizing your right to proceed before a District Judge, do you expressly consent to proceed in this Court, that is, before a United States Magistrate Judge?

YES: NO: _____

6. There has been presented to me a document entitled "Sealed Addendum to Entry and Acceptance of Guilty Plea" which provides information to me concerning your name, age, education, use of drugs or alcohol and medical information. Did you provide the information for the completion of that document and did you sign that document?

YES: NO: _____

7. Is all the information provided in the Sealed Addendum true and accurate?

YES: NO: _____

8. Is your mind clear and do you understand that you are here today to enter a guilty plea that may not later be withdrawn?

YES: NO: _____

9. Do you understand that you have the right to be represented by an attorney at every stage of your case?

YES: NO: _____

10. Have you reviewed the Bill of Indictment (or Bill of Information) with your attorney?

YES: NO: _____

I am advised that you are pleading guilty to the count(s) in the Bill of Indictment (or Bill of Information).

The charging document was read at this point in the hearing.

11. Are you pleading guilty to this offense/these offenses?

YES:

NO:

I am now going to advise you of the relevant statute(s), the essential elements of the offense(s), and the associated penalties.

Information regarding the statute(s), elements, and penalties was explained on the record at this point in the hearing. See Appendix to Rule 11 Order.

12. Do you fully understand the charge(s) against you, including the maximum and, where applicable, minimum penalties as I have just read them to you?

YES:

NO:

13. Do you understand each element of the offense(s) charged?

YES:

NO:

14. Do you understand that upon a plea of not guilty the Government would be required to prove each element of the offense(s) charged beyond a reasonable doubt?

YES:

NO:

15. Do you understand that the Government would be required to prove that the unlawful act(s) were committed knowingly, willfully, intentionally, and unlawfully?

YES:

NO:

16. Do you understand that if you are not a citizen of the United States, your guilty plea may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under Federal Law?

YES: NO: _____

17. If the District Court imposes an active term of imprisonment of more than one year, the District Court will also be required to order a term of what is called "supervised release," and a term of supervised release may be ordered in other circumstances. This means that after a defendant is released from prison, there are certain terms and conditions he/she will be required to follow. The length of supervised release usually ranges from one to five years but may be more or less than that for certain offenses. Do you understand the term "supervised release" as I have explained it to you?

YES: NO: _____

18. Do you understand that if you violate the terms and conditions of supervised release, you could be returned to prison for an additional period of time?

YES: NO: _____

19. Do you understand that parole has been abolished in the federal system, and if you are sentenced to a term of imprisonment, you will not be released on parole?

YES: NO: _____

20. Have you and your attorney discussed how the United States Sentencing Guidelines may apply in your case?

YES: NO: _____

21. Do you understand how these Guidelines may apply to you?

YES: NO: _____

22. Do you understand that the District Court is not bound by the Sentencing Guidelines but nevertheless must consult the Guidelines and take them into account when sentencing?

YES: NO:

23. Do you understand that the sentence the District Court will impose will be within the statutory limits and in the District Court's sound discretion and could be greater or less than the sentence as provided for by the Guidelines?

YES: NO:

24. Do you understand that the Probation Office will prepare a presentence report that contains Guidelines calculations and that both you and the Government will have an opportunity to object to any alleged deficiencies in that report?

YES: NO:

25. Do you understand that in some circumstances you may receive a sentence that is different—that is, either higher or lower—than that called for by the Guidelines?

YES: NO:

26. Do you understand that if the sentence is more severe than you expect, you will still be bound by your plea and have no right to withdraw the plea of guilty?

YES: NO:

27. The District Court has the discretion, in appropriate circumstances, to order you to make restitution to any victim of any offense. The District Court may also, in the appropriate circumstance, require you to pay the costs of your confinement in prison or costs of supervision or special investigative costs or all of these costs. The District Court may also require you to forfeit property involved in the offense. Do you understand these things?

YES: NO:

28. Do you understand you have a right to plead not guilty, to have a speedy trial before a judge and jury, to summons witnesses to testify in your behalf, and to confront witnesses against you?

YES: NO:

29. If you were to exercise your right to trial, you would be entitled to the assistance of an attorney, you would not be required to testify, you would have the right to testify voluntarily, to present evidence at trial, and to compel the attendance of witnesses. You would be presumed innocent, and the burden would be on the Government to prove your guilt beyond a reasonable doubt. Do you understand all of these rights?

YES: NO:

30. By entering a plea of guilty you forfeit and waive (or give up) your right to plead not guilty, the right to a trial by jury and at that trial the right to the assistance of counsel, the right to confront and cross-examine witnesses against you, the right against compelled self-incrimination, the right to testify voluntarily on your own behalf and to present evidence at trial, the right to compel the attendance of witnesses, and any other rights associated with a jury trial. By entering this plea of guilty you are waiving (or giving up) all of these rights. A trial will not be held. If your plea of guilty is accepted, there will be one more hearing where the District Court will determine what sentence to impose. Do you understand all of these things?

YES: NO:

31. Are you, in fact, guilty of the count(s) in the Bill of Indictment (or Bill of Information)? That is, did you commit the act(s) described in the Bill of Indictment (or Bill of Information)?

YES: NO:

32. Is your plea of guilty voluntary?

YES: NO:

33. Has anyone threatened, intimidated, or forced you to enter your guilty plea today?

YES: NO:

34. Has anyone made any promise to you, including promises of leniency or of a light sentence, to induce you to plead guilty?

YES: NO:

35. Do you enter this plea of guilty of your own free will, fully understanding what you are doing?

YES: NO:

36. Are you aware that a document called the Factual Basis has been filed in your case?

YES: NO:

The Government presented the Factual Basis at this point in the hearing.

37. Have you read the Factual Basis in its entirety, or had it read to you and/or translated for you, and do you understand and agree with it?

YES: NO:

38. Do you certify, stipulate, and agree that all of the information in the Factual Basis is true and accurate?

YES: NO:

39. If this matter were to proceed to trial, would the Government be able to prove the statements in the Factual Basis beyond a reasonable doubt?

YES: NO:

40. Do you understand that entering a plea of guilty to a felony charge may deprive you, at least for a time, of certain civil rights such as the right to vote, hold a public office, serve on a jury and possess a firearm?

YES: NO:

41. Is your willingness to plead guilty the result of prior discussions between your attorney and the attorney for the Government?

YES: NO:

42. There is no written plea agreement in this case. Are there any terms or conditions of the plea that should be put on the record at this time?

YES: NO:

43. Have you had ample time to discuss with your attorney any possible defenses you may have to the charge(s), and have you told your attorney everything you want him/her to know about this case?

YES: NO:

44. Counsel, are you satisfied that Defendant understands the charge(s), potential penalties, and consequences of his/her plea?

YES: NO:

45. Are you entirely satisfied with the services of your attorney?

YES: NO:

46. Are you telling the Court that you know and understand fully what you are doing, that you have heard and understood all parts of this proceeding, and that you want the Court to accept your plea of guilty?

YES: ✓

NO: _____

47. Do you have questions, statements, or comments to make about anything brought up or discussed in the course of the proceeding? If you do, I will be happy to try and answer your questions or I will be glad to hear any statements or comments that you want to make.

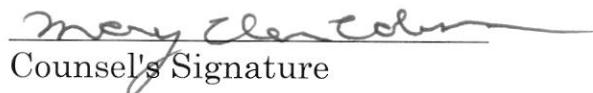
YES: _____

NO: ✓

On advice and in the presence of counsel, Defendant respectfully requests the Magistrate Judge to accept his or her guilty plea. By signing below, Defendant (and counsel) certify and affirm that the answers given to the questions propounded by the Court, as recorded above and on the record, are true and accurate to the best of their knowledge.



Defendant's Signature



Counsel's Signature

Based upon the representations and answers given by Defendant and counsel in the foregoing Rule 11 proceeding, the Court finds that Defendant's plea is knowingly and voluntarily made, and that Defendant understands the charge(s), potential penalties, and consequences of his/her plea. The Court further finds that Defendant's plea is supported by an independent basis in fact containing each of the elements of the offense(s) to which Defendant is pleading. Based thereon, Defendant's plea is hereby accepted. In addition, I recommend that the District Court accept Defendant's plea and enter judgment thereon.

The parties are advised that if they have any objection to this recommendation, they have 14 days to file any such objections in writing with this Court. If they fail to object within that 14-day period, it will be deemed a waiver of any such objection.

SO ORDERED, this the 25th day of October 2023.


W. CARLETON METCALF
UNITED STATES MAGISTRATE JUDGE